

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

GEOTAG, INC.,

v.

2:10-cv-00265

**FRONTIER COMMUNICATIONS CORP.;
et al.,**

GEOTAG, INC.,

v.

2:10-cv-00570

AROMATIQUE, INC.; *et al.*,

GEOTAG, INC.,

v.

2:10-cv-00571

GUCCI AMERICA, INC.; *et al.*,

GEOTAG, INC.,

v.

2:10-cv-00573

RENT-A-CENTER, INC.; *et al.*,

GEOTAG, INC.,

v.

2:10-cv-00574

THE WESTERN UNION COMPANY; *et al.*,

GEOTAG, INC.,

v.

2:10-cv-00575

ROYAL PURPLE, INC.; *et al.*,

GEOTAG, INC.,

v.

2:10-cv-00587

YAKIRA, L.L.C.; et al.,

GEOTAG, INC.,

v.

2:11-cv-00175

WHERE 2 GET IT, INC.; et al.,

GEOTAG, INC.,

v.

2:12-cv-00043

CANON INC. AND CANON U.S.A., INC.,

GEOTAG, INC.,

v.

2:12-cv-00471

HANESBRANDS INC.

GEOTAG, INC.,

v.

2:12-cv-00474

J. CREW GROUP INC.

GEOTAG, INC.,

v.

2:12-cv-00544

SALLY BEAUTY SUPPLY LLC

**STIPULATED MOTION FOR DISMISSAL WITH PREJUDICE
DEFENDANT iCIMS, INC. AND CERTAIN CLAIMS AGAINST
DEFENDANTS WHO ARE CUSTOMERS OF iCIMS, INC.**

Plaintiff GeoTag Inc. and iCIMS, Inc., (“iCIMS”) pursuant to FED. R. CIV. P. 41(a)(2) and (c), hereby move for an order dismissing all claims and counterclaims in this action asserted between them WITH PREJUDICE with GeoTag and iCIMS to bear their own costs, expenses and attorneys’ fees.

In addition, iCIMS represents that the following defendants in the above captioned actions are customers of iCIMS who use, purchase, or sell iCIMS products or services (collectively referred to as “iCIMS Customers”):

| Case | iCIMS Customer |
|---|---|
| 2:10-cv-00265 TXED GeoTag v. Frontier Communications | Yellow Book USA, Inc. |
| 2:10-cv-00570 TXED GeoTag v. Aromatique Inc. | Gander Mountain Company |
| 2:10-cv-00571 TXED GeoTag v. Gucci America Inc. | Leslie’s Poolmart, Inc. d/b/a Leslie’s Poolmart d/b/a Leslie’s Swimming Pool Supplies d/b/a Leslie’s Barnes & Noble.com Tiffany & Company |
| 2:10-cv-00574 TXED GeoTag v. Western Union Company | Whole Foods Market IP, LP; Whole Foods Market Services, Inc.; Whole Foods Market, Inc. (terminated 3/07/11); Whole Foods, Inc. (terminated 3/07/11) |
| 2:10-cv-00575 TXED GeoTag v. Royal Purple, Inc. | Rite Aid Corporation Terex Corp. |
| 2:10-cv-00573 TXED | Enterprise Holding, Inc.; |

| Case | iCIMS Customer |
|--|--|
| GeoTag v. Rent-A-Center Inc. | Enterprise Rent-A-Car Company The Hertz Corp. d/b/a Hertz Corp. d/b/a Hertz Car Rental |
| 2:10-cv-00587 TXED GeoTag v. Yakira, LLC | GNC Nutrition Centers (terminated 7/26/11) d/b/a GNC New York & Company, Inc. |
| 2:11-cv-00175 TXED GeoTag v. Where 2 Get It Inc. | Carhartt, Inc. Moen, Inc. (terminated 8/08/11) |
| 2:12-cv-00043 TXED GeoTag v. Canon Inc. | Canon Inc., Canon USA, Inc. |
| 2:11-cv-00544 TXED GeoTag v. Sally Beauty Supply, LLC | Sally Beauty Supply, LLC |
| 2:12-cv-00471 TXED Geotag v. Hanesbrands, Inc. | Hanesbrands, Inc. |
| 2:12-cv-474 TXED Geotag v. J. Crew Group, Inc. | J. Crew Group, Inc. |

Based upon this representation, GeoTag and iCIMS move this Court for an order dismissing all claims of infringement against the above identified iCIMS Customers directed solely to the use, manufacture, purchase, or sale of any iCIMS product or service, namely iCIMS job locator product and services, with each respective party (including, but not limited to, GeoTag, iCIMS, and iCIMS customers) to bear its own costs, expenses and attorneys' fees for the dismissed claims.

This dismissal of only certain claims against the above identified iCIMS Customers does not resolve all issues between GeoTag and the iCIMS Customers because the dismissal only applies to claims directed to the use, manufacture, purchase,

or sale of iCIMS products or services, namely iCIMS job locator product and services. GeoTag explicitly maintains its claims against the iCIMS Customers that are not directed to the use, manufacture, purchase, or sale of any iCIMS product or service (“Non-iCIMS Claims”). These Non-iCIMS Claims include all accusations of infringement that do not include an accusation directed to an iCIMS product or service. Therefore, because GeoTag’s Non-iCIMS Claims remain in the respective cases against the above identified iCIMS Customers, this dismissal is not a complete resolution of issues between GeoTag and the iCIMS Customers, and does not result in the dismissal of the above identified iCIMS Customers from their respective cases.

DATED November 12, 2012.

Respectfully submitted,

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**ATTORNEYS FOR PLAINTIFF
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Respectfully submitted

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument was filed electronically pursuant to Local Rule CV-5(a) and that a copy of this document was served upon all counsel of record pursuant to the Federal Rules of Civil Procedure and Local Rule CV-5(b)(1) via the Court's CM/ECF on this 12th day of November, 2012.

/s/ David R. Bennett

David R. Bennett